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FROM:

Attorney: Willem F. Gadiano, Esq. Direct Phone: 202-756-8373
Attorney's E-Mail: wgadiano@mwe.com
Secretary: Diana M. Davis Direct Phone: 202-756-8604
Client/Matter/Tkpr: 45112-014/3329 Date: May 15, 2003 Time Sent: _____
Number of pages including this page: 4

TO:

Name: Honorable Commissioner for Patents
c/o EXR. NEIL LEVY Facsimile No. (703) 872-9307
U.S. Patent and Trademark Office
Company: (Group 1616, Mail Stop CPA) (703) 308-0196

COMMENTS:Attached for filing in Application No. 09/362,189 is:

- 1) Continued Prosecution Application (CPA) Request Transmittal, including Preliminary Amendment, Extension of Time, and Petition for Suspension of Action and Fee Authorization

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WDC99 757868-1.045112.0014

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the U.S. Patent and Trademark Office via facsimile transmission to (703) 872-9307 on the date indicated below, with a coversheet addressed to Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C., 20231.

Date: May 15, 2003

By: Willem F. Gadlano
 Willem F. Gadlano, Registration No. 37,176

P. TUCK
 #20
 7/21/03
 D

**CONTINUED PROSECUTION APPLICATION (CPA)
 REQUEST TRANSMITTAL**

**Submit an original, and a duplicate for fee processing
 (Only for Continuation or Divisional applications under 37 CFR 1.53(d))**

**Mail Stop CPA
 Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450**

**Attorney Docket No.: 045112-014
 First Named Inventor: Steven M. BESSETE
 Examiner: N. Levy
 Group Art Unit: 1616**

This is a request for a Continuation application under 37 CFR 1.53(d). (continued prosecution application (CPA)) of prior application number 09/362,189 filed on July 28, 1999, entitled SYNERGISTIC AND RESIDUAL PESTICIDAL COMPOSITIONS CONTAINING PLANT ESSENTIAL OILS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national state of an international application in compliance with 35 USC 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 USC 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

P. TUCK 1460 - 130.00
 P. TUCK 2254 - 725.00

DA 500417
 DA 500417

WDC99 757749-1.045112.0014

Docket No. 45112-014

CPA of 09/362,189

1. ☒ In view of the Advisory Action dated November 22, 2002, it is believed that the amendment previously filed on October 17, 2002 under 37 CFR 1.116 in the prior nonprovisional application has been entered and that claims 17 and 47 are pending.
2. ☒ **PRELIMINARY AMENDMENT:** Please cancel claim 47 without prejudice to or disclaimer of the subject matter it contains.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	1	-20	0	\$18.00 =	\$0.00
Independent Claims	1	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$750.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$740.00
Subtract ½ if small entity					\$375.00
TOTAL APPLICATION FEE DUE					\$375.00
AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417					\$375.00

6. Small entity status:
- a. ☐ A small entity statement is enclosed.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 500417;
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.

Docket No. 45112-014


CPA of 09/362,189

8. **REQUEST FOR EXTENSION OF TIME:** Please grant a four (4) month extension of time and charge the small entity extension fee of \$725.00 to Deposit Account #500417. To the extent necessary, a petition for an extension of time under 37 CFR 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.
9. ☒ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.1.03(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(h) required) Please charge the Suspension of Action Petition Fee of \$130.00 to Deposit Account #500417.
10. Additional Attachments:
- a. ☐ Extension of Time
- b. ☐ Other:

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

Respectfully submitted,

Date: May 15, 2003


Willem F. Gadiano
Registration No. 37,136

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